

A CERTIFIED TRUE COPY

ATTEST

By Dana Stewart on Dec 22, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Dec 07, 2009
FILED
CLERK'S OFFICE

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

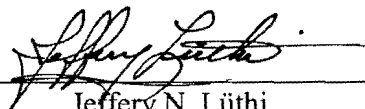
On December 2, 2009, the Panel transferred five civil actions to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* __F.Supp.2d__ (J.P.M.L. 2009). With the consent of that court, all such actions have been assigned to the Honorable Berle M. Schiller.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Schiller.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of December 2, 2009, and, with the consent of that court, assigned to the Honorable Berle M. Schiller.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Dec 22, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

DIST. DIV. C.A. # CASE CAPTION

OHIO SOUTHERN

OHS 2 09-795 Melissa Latvala, et al. v. Teva Pharmaceuticals USA, Inc., et al.

OKLAHOMA NORTHERN

OKN 4 09-649 Karen Brown Tims, et al. v. Teva Pharmaceuticals Industries,
Ltd., et al.

WASHINGTON WESTERN

WAW 2 09-1640 Andrea Leighty v. Teva Pharmaceuticals Industries Ltd., et al.

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

David G. Trager
United States District Court
Eastern District of New York

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December 22, 2009

Michael E. Kunz, Clerk
2609 James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Re: MDL No. 2107 -- IN RE: Budeprion XL Marketing and Sales Practices Litigation

(See Attached CTO-1)

Dear Mr. Kunz:

Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on December 7, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A Panel Service list is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Dana L. Stewart
Dana L. Stewart
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Berle M. Schiller

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

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